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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,913	06/30/2000	Eduardo Cue	P2514/001580-569	1176

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EXAMINER

RHODE JR, ROBERT E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,913

Applicant(s)

CUE ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30, 32-34, 36-38 & 40 - 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 32-34, 36-38 & 40 - 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/2003 has been entered.

Response to Amendment

The office action of 04/24/2003 rejected claims 1 - 28 as unpatentable over "All to play in the US toy market: In less that two years eToys has gained a lead that would-be competitors will find hard to make up"; Financial times, London, May 25, 1999, Tim Jackson and referred to as "eToys" in view of Fortenberry (US 6,101,485) and claims 29 - 44 were rejected as unpatentable over the combination eToys and Fortenberry and further in view of "Will Gift List Click?" (New York Times, New York, November 18, 1999 and associated screen captures of the Della.com web site content of March 4, 2000 (hereafter referred to as "Della").

Applicant amendment of 07/29/2003 amended claims 1, 8, 15, 22, 29, 32 - 33, 36 - 37, 40, 41, 43 and 44 and 22 and canceled claims 31, 35 and 39 as well as traversed rejections of Claims 1 - 44.

Currently, claims 1- 30, 32 – 34, 36 – 38 and 40 – 44 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1 - 44 are considered moot in view of the new grounds of rejection. Please note, the new art is Henson (US 6,101,485) and Lee (US 6,336,137 B1).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 30, 32 – 34, 36 – 38 and 40 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Henson (US 6,167,383) and Fortenberry (US 6,101,485) in view of Lee (US 6,336,137).

Regarding claim 1 and related claims 8, 15, 22, 29, 33, 37 and 41 (Currently Amended), the combination of Henson, Fortenberry and Lee teach a method and system for automatically sending an order from a first user to a recipient over a computer network, the method comprising: where Henson teaches a method and system of receiving order selections (first and second) from a computer of the first user; saving stored order data, the stored order data including the order selections (first and second) and order purchase information (first and second); generating a web page having an address and containing the order selections and order purchase information (see at least Abstract, Col 4, lines 36 – 50 and Figures 1, 2, 3A-C and 10). In addition and regarding claim 5

claims 12, 18 and 25 (Original), Henson teaches a method and system, wherein the stored order includes a single item (see at least Figure 3A) and (6 and related claims 13, 19 and 26 (Original) wherein the stored order includes a main item and at least one accessory (see at least Figure 3A) as well as (7 and related claims 14, 21 and 27) wherein the step of receiving the order selections includes providing an electronic display of possible selections for the user (see at least Figures 3A-C). With regard to claim 30 and related claims 34, 38 and 42 (Original), Henson teaches a method and system, wherein the first and second order selections are selected from a web page from an electronic commerce site (see at least Abstract) and in claims 32 and related claims 36, 40 and 44 (Currently Amended), Henson teaches a method and system, wherein the display of a web page for the first or second orders includes a link to a display of the items of the first order and a display of the items of the second order (see at least Figures 1 and 6). Furthermore regarding claim 43, Henson teaches a method and system wherein the display of the first and second stored orders comprise a web page (see at least Figures 1 and 6).

On the other hand, Henson does not specifically disclose and teach a method and system that in response to a first user request, automatically producing and sending an electronic mail message having the address of the web page to a computer of the recipient, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the web page.

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On the other hand, Fortenberry teaches a method and system that in response to a first user request, automatically producing and sending an electronic having the address of the web page to a computer of the recipient, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the web page (see at least Abstract, Col 2, lines 21 – 31 and Figure 1). Moreover:

regarding claim 2 and related claims 9, 16 and 23 (Original), Fortenberry teaches a method and system, further comprising producing a display of the stored order for potential purchase by the recipient (Col 2, lines 21 – 31) and (3 and related claims 10, 17 and 24) wherein the display-producing step comprises producing a web page display of the stored order for purchase by the recipient (Col 2, lines 34 – 36).

Regarding claim 4 and related claims 11, 20 and 28 (Original), Fortenberry teaches a method and system, wherein the electronic mail message includes a URL which allows for the construction of a web page displaying the stored order (Col 2, lines 34 – 36).

Please note that Fortenberry does not refer state a URL but does state using a link.

Moreover, it is old and well known in the art at the time of the applicant's invention that the URL when activated (clicked on) can display a web page. Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to have provided the method and system of Fortenberry with a capability to embed an URL in the email, which would have displayed a web page.

It would have been obvious to one of ordinary skill in that art at the time of the invention to have provided the method and system of Henson with the method and system of Fortenberry to have enabled teach a method for automatically sending an order from a first user to a recipient over a computer network, the method comprising: where Henson teaches a method and system of receiving order selections from a computer of the first user; saving stored order data, the stored order data including the order selections and order purchase information; generating a web page having an address and containing the order selections and order purchase information; and in response to a first user request, automatically producing and sending an electronic having the address of the web page to a computer of the recipient, the electronic mail message identifying the stored order and order purchase information and allowing the recipient to purchase the stored order using the web page – in order to enable an individual to select, configure as well set the budget for an item and send via email the selection(s), which also provide a purchasing capability by the recipient of the item(s). In this manner, the individual either corporately or for a gift provides an item, which is both complicated and expensive for another individual. Thereby, the first user can be assured of the recipient purchasing exactly the item and within budget and in turn will increase the first users control of the purchasing process, which could be important in a corporate environment or if purchasing the item for children.

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The combination of Henson and Fortenberry teach substantially the applicant's invention.

However, the combination does specifically disclose and teach a method and system wherein the stored order is not editable by the recipient.

On the other hand, Lee teaches a method and system wherein the stored order is not editable by the recipient (see at least Col 12, lines 59 – 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Henson and Fortenberry with the method and system of Lee to have enabled that a stored order is not editable by the recipient – in order to insure that amount of monies/budget committed by the first user is not exceeded. This is important in corporate purchasing as well as personal buying/shopping to ensure that the monies/budget allocated are not changeable. Thereby, this assurance will increase the probability that corporate and/or personal buyer/shopper will not have their budget exceeded and/or ensure the purchased item can not be changed – for children or corporate, which increase the probability that the first user will use the system again in the future for the same kind of purchase.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7658 for regular communications and 703.308.3687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

RER
August 7, 2003


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